

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

LUCIANO F. PAONE,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

Case No. 07-CV-2973-ADS-ARL

**PLAINTIFF'S MOTION TO PRECLUDE THE TESTIMONY
OF DEFENDANT'S PROFFERED DAMAGES EXPERT
CARLA S. MULHERN UNDER FEDERAL RULE OF EVIDENCE 702**

Pursuant to Federal Rule of Evidence 702, Plaintiff Luciano F. Paone respectfully moves this Court to preclude the testimony of Defendant Microsoft Corporation's damages expert, Carla S. Mulhern. The grounds for this motion are set forth in the accompanying memorandum of law, which is attached hereto and incorporated herein.

Dated: September 17, 2010



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